

REMARKS

The present Amendment is in response to the Office Action mailed January 30, 2007, in the above-identified application.

Claims 2-4, 16-18, 25-31, 34-35, and 39-40, which are withdrawn from further consideration due to an election of species requirement, have been canceled from the present application.

As noted above, Applicants have amended independent claims 1 and 33 to recite that the "at least one light emitting element is continuously visible between said first and second ends" of the hose. Support for this amendment is found, inter alia, in paragraph [0011] of the specification. Applicants also note that FIGS. 1, 5A, 7A-7B, and 10-12 provide further support for the amendments made to independent claims 1 and 33.

The Examiner rejected claims 1, 5-6, 10-13, 19-24, 32-33, and 36-38 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,539,624 to Dougherty. Referring to FIG. 4B thereof, Dougherty discloses an illuminated hose with fiber-optic fibers embedded within the body of the hose. At predefined locations on the hose, selected portions of the fiber-optic fibers are exposed to permit light to escape. Thus, the optical fibers in Dougherty are neither continuously exposed nor continuously visible along the length of the hose.

In contrast, the present application provides a light emitting element that is continuously visible over an exterior surface of a hose. This structure is different than Dougherty's illuminated hose whereby the fiber-optic fibers are embedded within the body of the hose and not provided at an exterior surface of the hose. In addition, the present invention provides that the light emitting element is continuously visible along the entire length of the hose. In Dougherty, the

fiber-optic fiber is only visible intermittently, as shown in FIGS. 11-12C.

In view of the above comments, Applicants respectfully assert that independent claim 1 is unanticipated by Dougherty because the cited reference neither discloses nor suggests an illuminating fire hose including "a sleeve secured over the exterior surface of said fire hose, said sleeve carrying at least one light emitting element adapted for selectively emanating light." Independent claim 1 is also unanticipated by Dougherty because the cited reference neither teaches nor suggests an illuminating fire hose "wherein said at least one light emitting element is continuously visible between said first and second ends of said fire hose." As noted above, Dougherty teaches that the fiber-optic fibers are visible intermittently, and not "continuously visible" as required by claim 1 of the present application. For the above reasons, Applicants respectfully assert that independent claim 1 is unanticipated by Dougherty and is otherwise allowable. Claims 5-6, 10-13, 19-24, and 32 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

Independent claim 33 is unanticipated by Dougherty for essentially the same reasons set forth above with respect to independent claim 1. Claims 36-38 are unanticipated, *inter alia*, by virtue of their dependence from claim 33, which is unanticipated for the reasons set forth above.

The Examiner rejected claims 1, 5-8, 10-13, 19-24, 32-33, and 36-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,983,767 to Rickards in view of Dougherty. Referring to FIGS. 1 and 2 thereof, Rickards discloses a hose 10 covered by a hose covering 20 including a sleeve 22 that extends the length of the hose 10. As shown in FIGS. 5 and 6, Velcro straps 36 are used for securing the sleeve 22 to the hose 10.

An outer surface of the sleeve 22 includes reflective material 66 that extends intermittently along a length of the sleeve.

In response to the Examiner's rejection under Rickards and Dougherty, Applicants respectfully assert that Rickards teaches using a reflective material 66 (FIG. 4) on an outer surface of a sleeve. Rickards does not teach or suggest providing "at least one light emitting element adapted for selectively emanating light" as required by claim 1 of the present application. As understood by those skilled in the art, a reflective material 66 is not as effective as a light emitting element, especially in dark and smoke-filled rooms where the present invention may be utilized. In addition, Rickards' reflective material is not "continuously visible between said first and second ends of said fire hose" as required by claim 1. As shown in FIG. 4 thereof, Rickards' reflective material 66 is provided intermittently on an exterior surface of the sleeve 22. Moreover, one skilled in the art would not refer to Dougherty for the reasons set forth above, namely, that the fiber-optic fiber in Dougherty is not exposed at an exterior surface of the hose and because the fiber-optic fiber is only visible intermittently along the length of the hose. For these reasons, Applicants respectfully assert that claim 1 is unobvious over Rickards and Dougherty and is otherwise allowable. Claims 5-8, 10-13, 19-24, and 32 are unobvious, *inter alia*, by virtue of their dependence from claim 1, which is unobvious for the reasons set forth above.

Independent claim 33 is unobvious for essentially the same reasons set forth above with respect to claim 1. Claims 36-38 are unobvious, *inter alia*, by virtue of their dependence from claim 33, which is unobvious for the reasons set forth above.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Rickards in view of Dougherty, and further in view of U.S. Patent No. 6,102,076 to Romero, Jr. et al. As noted on page 5 of the Office Action, the Examiner has cited Romero as providing a protective sleeve having a longitudinal seam with hook and loop fasteners to hold the seam closed. In response, Applicants note that Romero teaches an exhaust pipe cover. Moreover, one of the ends 20 (FIG. 3) of the exhaust pipe cover is closed to prevent the entry of precipitation and dirt into the exhaust pipe during the time that the truck is not being operated. See col.1, ll.5-10. Thus, if Romero's exhaust pipe cover were applied to the fire hose shown in the present application, the fire hose would not be usable because an end of the hose would be covered. For these reasons, one skilled in the art could have no motivation to combine Romero with Rickards and Dougherty. Thus, claim 9 is unobvious over the prior art cited by the Examiner and is otherwise allowable.

The Examiner rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Rickards in view of Dougherty, and further in view of U.S. Patent No. 5,399,854 to Dunphy. The Examiner has cited Dunphy as teaching using epoxy to hold elements of a sleeve together. In response, Applicants respectfully note that Dunphy teaches that the optical fiber 21 is embedded in between layers and is not exposed or visible outside the layers. Applicants refer the Examiner to FIG. 3 of Dunphy, which shows optical fiber 21 between layers 14 and 15. Thus, Dunphy actually teaches away from the claimed invention and one skilled in the art would have no motivation to combine Dunphy with Rickards and Dougherty. For these reasons, claims 14 and 15 are unobvious over the prior art cited by the Examiner and are otherwise allowable.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 23, 2007

Respectfully submitted,

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